

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
LITIGATION

Master Docket No.: 4:20-cv-03056-DMR

**SUPPLEMENTAL DECLARATION OF
STEVEN WEISBROT ON BEHALF
OF ANGEION GROUP, LLC**

I, Steven Weisbrot, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746
that the following is true and correct:

12 1. I am the President and Chief Executive Officer at the class action notice and claims
13 administration firm Angeion Group, LLC (“Angeion”). My credentials where previously provided
14 in my Declaration that was submitted to the Court on August 5, 2021 (ECF No. 135-4).

15 2. The purpose of this Supplemental Declaration is to provide the Court with additional
16 information regarding the costs associated with sending the class notice (in the form of a postcard)
17 via U.S. Mail to every proposed Class Member for whom Plaid has a physical mailing address, as
18 well as to provide an analysis of claims rates that Angeion reviewed and the factual basis that
19 supported Angeion's estimated claims rate.

20 3. In summary, we have prepared cost estimates associated with the following 3 scenarios for
21 the Court's consideration:

- I. Mail Notice to all Class Members with a Physical Mailing Address;
- II. Email Notice to all Class Members with Email Addresses and Mail Notice to Class Members with Mailing Addresses but no Email Addresses¹²; and

²⁷ ¹ For clarity, sub para II was the direct notice plan previously submitted to the court as outlined in my prior declaration.

²⁷ Angeion was informed based on Plaid's current information that there are approximately 277,000 Class Member records that have mailing addresses but no email addresses.

1 III. Email Notice to all Class Members with Email Addresses, Mail Notice to Class
 2 Members with Mailing Addresses but no Email Addresses and Mail Notice to Class
 3 Members whose Email Notice could not be delivered, *i.e.*, bounce-backs.

4 4. Angeion was informed that Plaid currently estimates that it has approximately 62 million
 5 unique email addresses for certain Class Members and has approximately 62 million physical
 6 mailing addresses for certain Class Members. Angeion utilized these totals to formulate the below
 7 estimates and also provided estimated costs associated with a 1%- and 4% claims filing rate.³

8 **Estimated Costs to Mail Notice to all Class Members**
 9 **with Physical Mailing Addresses**

10 5. The estimated cost to mail a postcard notice to the approximate 62 million records for whom
 11 Plaid has physical mailing addresses is approximately \$22 million, of which approximately \$20.1
 12 million is solely postage costs, with the remaining \$1.8 million for printing and labor costs,
 13 including any requisite data work, formatting the notice and the costs for utilizing the United States
 14 Post Office (“USPS”) National Change of Address database.

15 6. Angeion assumes that approximately 10% of the postcard notices (approximately 6.2
 16 million notices) will be returned by the USPS as undeliverable⁴. As described in my prior
 17 Declaration, Notices returned to Angeion by the USPS with a forwarding address will be re-mailed
 18 to the new address provided by the USPS; Notices returned to Angeion by the USPS without
 19 forwarding addresses will be subjected to an address verification search (commonly referred to as
 20 “skip tracing”) utilizing a wide variety of data sources, including public records, real estate records,
 21 electronic directory assistance listings, etc., to locate updated addresses, and for any Class Members
 22 where a new address is identified through the skip trace process, a Notice will be re-mailed to that
 23 address.

24 7. Angeion estimates that the cost to process 6.2 million undeliverable notices, skip trace and
 25 re-mail approximately 3.78 million notices will be \$3.7 million. This estimate may vary based on

26 ³ As discussed in greater detail below, Angeion estimates a claims rate of 1%-4%.

27 ⁴ This is only an estimate. The number of notices that are returned as undeliverable by the USPS will not be known until
 28 after the initial mailing is complete and is dependent on several factors, including *inter alia*, the quality and recency of
 the address information provided by Plaid and whether Class Members filed a change of address card with the USPS.

1 the actual number of notices returned as undeliverable by the USPS and the success rate of skip
 2 tracing, which will dictate the actual number of notices that will need to be re-mailed. The estimated
 3 \$3.67 million cost is in addition to the initial mailing costs discussed in paragraph 3.

4 8. The below chart summarizes an estimate of overall administration costs if notice is provided
 5 by mail to all Class Members for whom Plaid has physical mailing addresses. The below estimate
 6 also provides for the difference in costs if there is a 1% claims rate versus a 4% claims rate.

Description	1% Claims Rate	4% Claims Rate
Notice Costs	\$25,674,481	\$25,674,481
Administration Costs	\$2,282,187	\$3,852,341
Total Estimated Costs	\$27,956,668	\$29,526,822

10 **Estimated Costs to Email Notice to all Class Members with Email Addresses and Mail**
 11 **Notice to Class Members with Mailing Addresses but no Email Addresses**

12 9. The estimated cost to provide notice via email to all records with unique email addresses
 13 and to mail notice to the approximate 277,000 Class Members with mailing addresses (but no email
 14 addresses) is approximately \$205,000. This estimate includes processing undeliverable mailed
 15 notices (as described in paragraphs 6 and 7 above) based on a 10% undeliverable rate. My prior
 16 Declaration described this proposed Notice Plan.

Description	1% Claims Rate	4% Claims Rate
Notice Costs	\$205,000	\$205,000
Mailed Notice Costs	\$2,282,187	\$3,852,341
Total Direct Notice Costs	\$2,487,187	\$4,057,341

21 **Email Notice to all Class Members with Email Addresses, Mail Notice to Class Members**
 22 **with Mailing Addresses but no Email Addresses and Mail Notice to Class Members whose**
Email Notice could not be delivered

23 10. To provide an estimate of costs for this section, Angeion calculated the following two
 24 scenarios: 5% of email notices could not be delivered and 10% of email notices could not be
 25 delivered. For purposes of the estimate and based on information Plaid currently has available,
 26 Angeion calculated that mailing addresses would be available for as many as approximately 83%
 27 of the records for which email notice could not be delivered.

1 Scenario 1: 5% of Email Notices could not be delivered:

Description	1% Claims Rate	4% Claims Rate
Notice Costs	\$1,303,065	\$1,303,065
Administration Costs	\$2,282,187	\$3,852,341
Total Estimated Costs	\$3,585,252	\$5,155,406

5 Scenario 2: 10% of Email Notices could not be delivered:

Description	1% Claims Rate	4% Claims Rate
Notice Costs	\$2,376,659	\$2,376,659
Administration Costs	\$2,282,187	\$3,852,341
Total Estimated Costs	\$4,658,846	\$6,229,000

9 Summary of Notice Plan Options

10 11. This Declaration has detailed the estimated notice and administrative costs associated with
 11 the different direct notice options discussed herein. The below chart provides a direct comparison
 12 between these different options and the material difference in costs for the direct notice efforts
 13 associated with each scenario.

Description	1% Claims Rate	4% Claims Rate
Mail to all Class Members	\$27,956,668	\$29,526,822
Email to all Class Members & Mail to 277K	\$2,487,187	\$4,057,341
Email to all Class Members, Mail to 277K and Mail to Email Bounce-backs (Assumes a 5% Email undeliverable rate)	\$3,585,252	\$5,155,406
Email to all Class Members, Mail to 277K and Mail to Email Bounce-backs (Assumes a 10% Email undeliverable rate)	\$4,658,846	\$6,229,000

19 Sample Claims Rates for Email versus Mailed Notice

20 21. In response to the Court's September 30, 2021, Civil Law and Motion Minute Order (ECF
 21 No. 146), Angeion identified and analyzed claims rates for prior administrations where only mailed
 22 notice or only email notice was utilized as the direct form of notice. It is important to note that
 23 oftentimes, a hybrid approach of email then mail, or email and mail is utilized (with or without a
 24 media/publication component), and that such determinations are made by the Parties based on
 25 several factors, including but not limited to, the available class member data, the costs of providing
 26 notice and the type of class that being noticed, *i.e.*, whether the class is tech-savvy and/or
 27 communicated with the defendant via email only or mail only. The below charts illustrate sample
 28

1 claims filing rates for previous administrations where only email or mailed notice was utilized for
 2 the direct notice component.

Case No.	# Class Members	# Claims	Claims Rate	Notice Methods
1	200,273	13,215	6.60%	Email
2	224,666	6,601	2.94%	Email
3	161,000,000	1,820,549	1.13%	Email
4	31,754,175	337,049	1.06%	Email
5	1,500,000	11,729	0.78%	Email

Case No.	# Class Members	# Claims	Claims Rate	Notice Methods
1	643,211	38,822	6.04%	Mail
2	28,554	971	3.40%	Mail
3	6,931,531	154,503	2.23%	Mail
4	249,981	7,112	2.85%	Mail
5	2,157,574	54,759	2.54%	Mail

12 13. As illustrated above, the claims rates varied across the different scenarios of email notice
 13 and mailed notice. The above charts reflect results from a variety of different cases and different
 14 underlying causes of action, including different complexities of the claim form, different class
 15 characteristics, etc., and are not necessarily indicative or predictive of the claims rate for the instant
 16 Settlement based solely on the direct notice method(s). Below is a summary of the factors Angeion
 17 reviewed to arrive at the estimated claims rate for this Settlement.

FACTUAL BASIS FOR CLAIMS RATE ASSUMPTIONS

19 14. Angeion draws on the experience it has garnered from administering similar settlements
 20 when approximating anticipated claims rates by evaluating a variety of factors, which are discussed
 21 in greater detail below.

Litigation Subject Matter

23 15. As a starting point, Angeion reviews the subject matter of the litigation to identify past or
 24 current administrations that are similar in background. Here, the Class Action Settlement
 25 Agreement defines the Class as: All United States residents who own or owned one or more
 26 “Financial Accounts” from January 1, 2013 to the date preliminary approval of the Settlement is
 27 granted. “Financial Account” is defined to mean a financial institution account (1) that Plaid
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1 accessed using the user's login credentials and connected to a mobile or web-based fintech
 2 application that enables payments (including ACH payments) or other money transfers or (2) for
 3 which a user provided financial account login credentials to Plaid through Plaid Link. *See* Kennedy
 4 Decl., Ex. A, ¶ 19.

5 16. As this is a privacy matter, Angeion evaluated Settlements it has administered that dealt
 6 with underlying privacy concerns. Specifically, Angeion evaluated ten (10) of its recent Settlement
 7 administrations where the claim filing period has expired. The below chart demonstrates the claims
 8 rate for these 10 Settlements.

Case No.	Class Size	# Claims	Claims Rate
1	37,000,000	4,236	0.01%
2	1,500,000	11,729	0.78%
3	161,000,000	1,820,549	1.13%
4	2,157,574	54,759	2.54%
5	1,144,827	31,052	2.71%
6	17,815	766	4.30%
7	312	17	5.45%
8	1,856	108	5.82%
9	200,273	13,215	6.60%
10	3,374	317	9.40%

17 17. As illustrated above, the claims rate ranged from 0.01% to 9.40%, with an average claims
 18 rate of 3.87% and a median claims rate of 3.51%.

Size of the Class

19 18. Class Counsel has estimated that the Settlement Class reflected in the Settlement Agreement
 20 includes approximately 98 million individuals. *See* Kennedy Decl., ¶ 24. Given the voluminous
 21 size of the Class, Angeion evaluated several administrations⁵ where their respective class sizes
 22 were in the tens of millions. The chart below demonstrates the claims rate for those matters.
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 24
 25
 26

27 ⁵ Angeion did not evaluate consumer marketing/mislabeling cases in this evaluation. Although those matters often
 28 involve tens of millions of class members, the actual class size is often unknown, making a claims rate difficult to determine.

Case No.	Class Size	# Claims	Claims Rate
1	161,000,000	1,820,549	1.13%
2	129,836,502	3,284,985	2.53%
3	37,000,000	4,236	0.01%
4	31,754,175	337,049	1.06%
5	11,391,016	263,261	2.31%

19. As illustrated above, the claims rate ranged from 0.01% to 2.53%, with an average claims
 20. rate of 1.41% and a median claims rate of 2.31%.

The Proposed Notice Plan

21. The proposed Notice Plan described in greater detail in my prior Declaration is extremely
 22. comprehensive, combining direct notice with a state-of-the-art media campaign designed to reach
 23. 80.40% of the Target Audience (independent from the direct notice) and utilizing modern day
 24. notice techniques such as search engine marketing and sponsored listings on leading class action
 25. settlement websites.

26. While Notice Plans are specifically tailored for each settlement, there are several
 27. administrations that utilized comparable noticing efforts which Angeion was able to evaluate and
 28. are most relevant to instant Settlement. The notice plan descriptions and claims rates for those
 29. administrations are detailed below.

Case No.	Class Size	# Claims	Claims Rate	Noticing Efforts
1	41,456,000*	100,787	0.24%	Mail, Email, Media, Publication
2	39,340,000*	289,727	0.74%	Media, Publication, Press Release, Sponsored Listings
3	2,229,825	50,331	2.26%	Mail, Email, Sponsored Listings, Social Media, Press Release
4	2,998,000*	167,405	5.58%	Media, Publication, Sponsored Listings
5	5,077,000*	332,818	6.56%	Media, Publication, Sponsored Listings, Press Release, Social Media
6	1,550,000	108,412	6.99%	Mail, Email, Media, Publication, SEM, Sponsored Listings, Industry-Specific Notice Efforts

29. *Indicates that an exact class size was unknown and that a proxy target audience was used to
 30. identify the number of potential Class Members.

1 22. As illustrated in the above chart, the sampling of administrations with comparable notice
2 efforts resulted in an approximate claims rate that ranged from 0.24% to 6.99%, with an average
3 claims rate of 3.73% and a median claims rate of 3.92%.

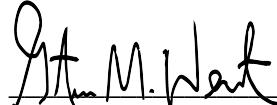
4 **Potential Relief Available to Class Members**

5 23. Claims rates always have the ability to deviate from estimates for a variety of reasons (*i.e.*,
6 unanticipated earned media garnered due to the nature of the Settlement, including whether news
7 organizations/sites mention the Settlement; the individual class member reaction to the underlying
8 cause of action and allegations, etc.) that are not easily predictable. However, based on the totality
9 of the above analyses and its overall experience in administering class action settlements, Angeion
10 estimates that the anticipated claims rate in this Settlement will likely fall in the range of 1% - 4%.

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12 I hereby declare under penalty of perjury under the laws of the United States that the
13 foregoing is true and correct.

14 Dated: October 7, 2021


15 STEVEN WEISBROT

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